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# A Close Encounter

## People to People International's Legal Research and Library Science Delegation Visits China

By Richard Leiter

Last October, I had the privilege of leading a delegation of (mostly) law librarians on a 10-day professional visit to Beijing and Shanghai, China. The goal of the trip was to get acquainted with Chinese legal bibliography and China's legal system.

The visit was arranged and facilitated by the People to People International Citizen Ambassadors Program headquartered in Spokane, Washington. (If you haven't heard of the organization, please check out its Web site at [www.ptpi.org](http://www.ptpi.org).) As stated on the Web site, "The purpose of People to People International is to enhance international understanding and friendship through educational, cultural, and humanitarian activities involving the exchange of ideas and experiences directly among peoples of different countries and diverse cultures."

Most of the delegation assembled in Los Angeles and got acquainted in the Tom Bradley International Terminal of LAX. After a grueling 14 and a half hour trans-Pacific flight, the delegation landed in Hong Kong, picked up the remainder of our delegation, and prepared for the three-hour flight to Beijing. As we descended from the clouds into the morning haze and caught our first glimpse of Beijing, we began to realize just how vast China is, and our hearts sank at the enormity of our group's goals. How in the world can we even begin to learn the first thing about a country of such size and history?

In the end, we brought away two profound lessons. First, we found that despite our differences, law librarians in both countries have much in common, and we were all anxious to learn from one another. Second, we found that China was much bigger in person than we could have ever imagined. Much like the Grand Canyon, nothing other than actually being there and meeting it face to face can prepare you for its immensity. Beijing is the second-largest city in China, after Shanghai, with a population of around 18 million in an area just under 6,500 square miles—making it nearly identical in size to New York City. Just as it would be naive to think that a foreigner can visit the United States for a week and learn about our legal system and system of legal bibliography, so it is for a visitor to China.

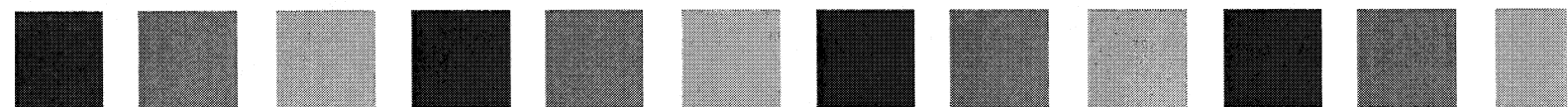
Having said that, we learned a great deal during our trip, and any reader with an interest in China must go and meet it. (We also kept a group journal that I turned into a Web site; you can check it out at <http://theleiters.net/China>.)

### ChinaLawInfo.com

One of the most profound things that we learned from our counterparts was that, even though China is an ancient country, it is a very young republic. In fact, all modern Chinese we encountered trace the beginning of modern China back to the founding of the People's Republic in 1949. This means that this ancient country has a relevant political and legal history of just 60 years. I say "relevant" because in the context of a practicing lawyer, little of what occurred prior to 1949 matters. In fact, since that time, China has had several constitutions, each of which represented false starts and radical foundational changes in its legal systems, until 1982 when the most recent constitution was passed. For all practical purposes, a modern lawyer need not look past 1982 for legal materials.

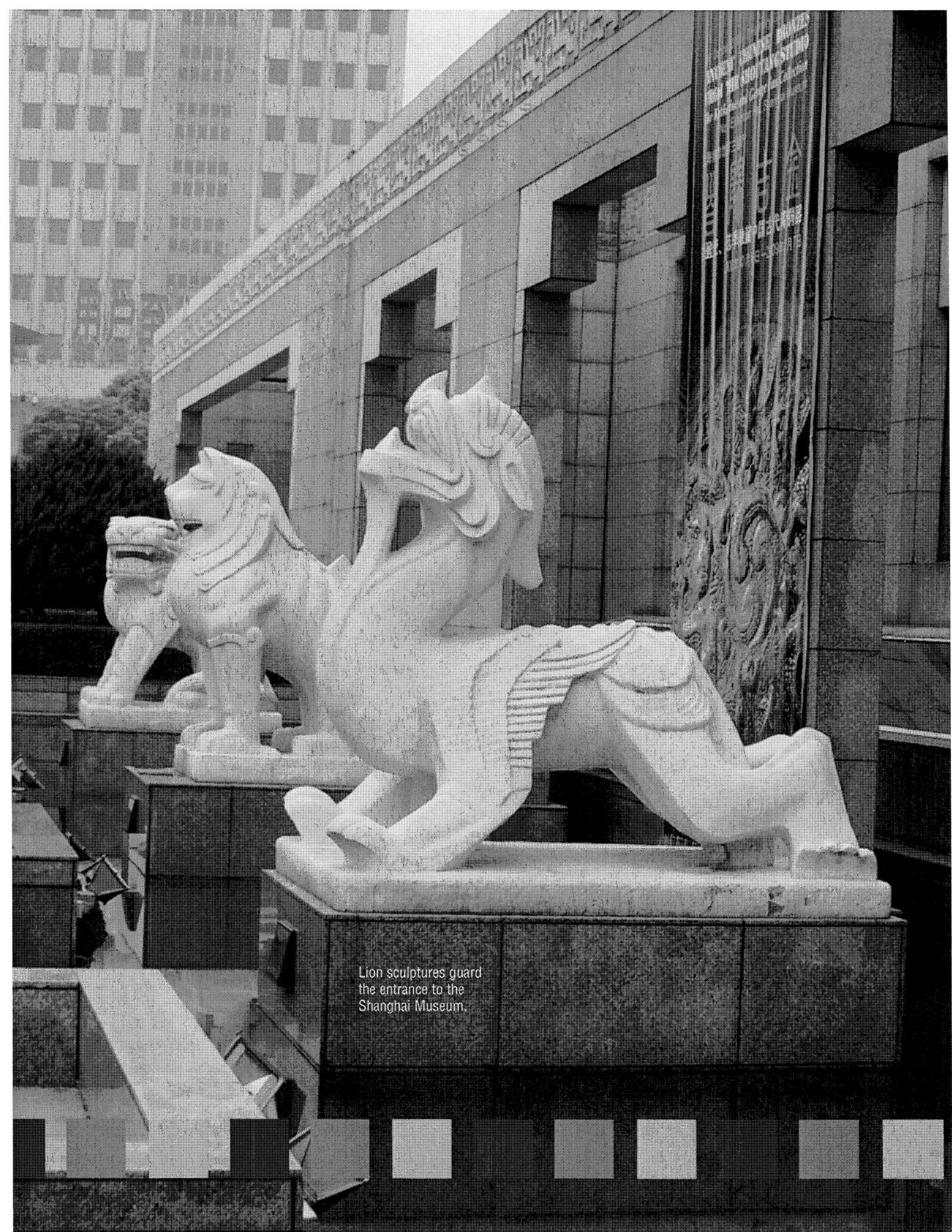


The author in Tiananmen Square.



Shanghai's famous Yuyuan Garden is the last remaining private tea garden in the city.





Lion sculptures guard  
the entrance to the  
Shanghai Museum.



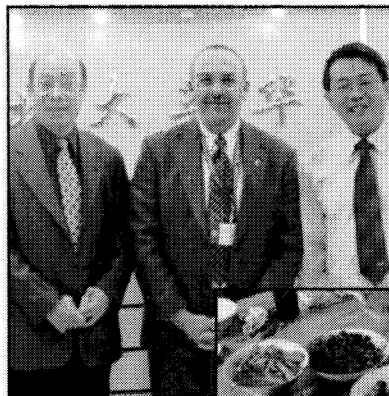
The fact that China's modern legal system is only about 30 years old presents some very interesting differences from ours. First, while our legal system consists of 200 years of cases, statutes, and regulations comprising millions of cases, executive orders, and legislative materials, China's is only a fraction of the size. Second, China's legal and political system is much more centralized and controlled, making the amount of material much more streamlined and intentional. Most of the Chinese lawyers and librarians we encountered were amazed at the nature of our system of legal bibliography and had a hard time relating to the challenges we face with respect to collecting and providing our patrons access to such volumes of materials. By contrast, Chinese librarians find it relatively easy to handle the volume of legal materials necessary for lawyers to practice; rather, the challenge that they face is obtaining it in the first place.

Many of China's most important legal documents are available in electronic format through a variety of Web sites. One of the most significant Web services is ChinaLawInfo.com (CLI.com), which is available in both Chinese and English (LawInfoChina.com) versions. CLI.com is an interesting legal publisher that is wholly owned and controlled by the faculty at Peking University School of Law. The delegation had the privilege of visiting CLI.com's headquarters on the edge of Peking University's campus. It is located on the top floor of a high rise building, the ground floor of which is a veritable rabbit warren of small electronics shops.

The company's president is Professor Wang Jin, a tenured member of the law faculty at Peking University who specializes in environmental law. Wang greeted the delegation at the headquarters but left before the presentation and introduction to CLI.com; clearly, he was out of his element discussing computing, legal information, and legal research. Instead, the presentation was handled by Xiaohai Zhao, vice president of CLI.com, and his staff. Even though China's legal history is very short, the government of

the People's Republic is enormous, with layers of bureaucracy and executive oversight unimaginable here in the U.S. As a result, legal materials may be generated from many sources, and CLI.com's greatest challenge is maintaining them all. As a commercial information provider, its mission as a neutral distributor of primary legal

materials requires that its Web page be filled with numerous links to a variety of sources. The English version of the Web site also includes legal news feeds from



(Top photo) The author (center) poses with Professor Wang Jin of Peking University School of Law, President of ChinaLawInfo.com (left) and Xiaohai Zhao, vice president of ChinaLawInfo.com (right).

(Bottom photo) A variety of dishes accompany a meal of "hairy crabs" at an island restaurant on Yang Cheng Lake, just outside of Shanghai.

many different sources and several links to materials that describe the Chinese legal system.

Today, one of the most important issues facing law librarians in the United States is the migration of primary legal materials from print to digital formats. It is not so much a question of losing a traditional format and dealing with a new format as it is dealing with issues of preservation and archiving materials for future scholars and lawyers. We in the West have a rich history of legal materials that have been printed and distributed in a physical format that,

with care, can stand on our shelves for eons. (It is true that the publishing industry failed us in the 75 or so years from the late 19th to middle-20th centuries with the use of poor quality paper. These formats therefore depend on control of the collection in order to avoid loss, but these are also issues that librarians have been trained to deal with for centuries.) Digital formats are, by nature, ephemeral and depend on many variables that we are only now beginning to understand. Chinese librarians and publishers are, for the most part, starting out in a digital world and have not yet had to think about preservation in the way that we have in the West. We found that CLI.com is so busy with new content that it hasn't yet given much attention to creating a system for preserving historical materials, and CLI.com staff was surprised by our questions about preservation.

We were also fascinated by CLI.com's response to our questions regarding standard citation forms and standard naming and numbering conventions. As the Chinese government churns out regulations, statutes, and cases, it appears that each is considered a separate unit, and the relation among various sources is something that requires considerable training. For lawyers and legal scholars, determining the relative importance of authorities is not always intuitive, and the legal system is still dealing with how to handle them consistently. As a result, CLI.com simply appears to be collecting as much material as it can and placing it on its Web site as efficiently and quickly as possible. With its lean staff, CLI.com has little time to spend on planning a systematic way to organize the exploding volume of materials.

The delegation marveled at the whole system. China's recent political and economic reforms have created a need for consistency and systematic creation and distribution of legal materials. The pace of legal developments is rapid and reminiscent of the reforms of the New Deal Era, but without the history. Also it does not yet appear that the government has developed a system similar to our depository program for making its laws widely available to Chinese citizens. It's not that they are trying to keep the materials from them, but the system is not yet in place to distribute them in a systematic manner. It will be interesting to watch how the legal system develops in the next decade to see how the government and judicial publishing

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industries adapt to the changing demands and needs of the legal profession.

## Peking University School of Law and East China Normal University

After our visit with ChinaLawInfo.com, we drove through campus to the Peking University School of Law. The campus was stunning, with a remarkable combination of new and old buildings and a beautiful lake. We met the law library director, Ye Yuang Sheng, who was clearly thrilled to show a group of law librarians her library. The group hit it off immediately. When we asked about challenges she faces, we were surprised by her answer. In preparation for the Olympics, the Chinese Olympic committee chose to build the Table Tennis Gymnasium next to the law school. When the gymnasium was finished, the Committee decided that the law library was too close and summarily chopped off about half the library's space—with a promise to replace the building in 2010. (And we think *we* have space problems!)

We also visited East China Normal University's (ECNU) library in Shanghai, which supports the law school in the same building. Both libraries reported enormous usage statistics. ECNU reported 600,000-700,000 items circulated each year. The library was in the beginning stages of a massive remodeling program that is designed to expand seating and access to the collection. Librarians report that each day they open the library there is a line of people waiting to get in to stake out tables and carrels. We also noticed one interesting innovation at ECNU: a very large computer lab called the "Electronic Reading Room."

In general, we found that academic law libraries' staff are facing many of the same challenges, no matter which side of the Pacific they are on: coping with rising costs, handling diverse formats, managing collections, incorporating new technologies into the public service quiver, etc. But we also found that in their booming economy, funding isn't as big an issue for them as it has been for us. Our visit spanned from late October to early November, however, and from my recent reading I know that China has since been hit pretty hard by the worldwide economic downturn. I expect that many of the libraries we visited that reported no funding problems may now be facing this familiar reality.

## China University of Political Science and Law Press

We also learned of an unexpected challenge that Chinese lawyers, law students, and scholars are facing.

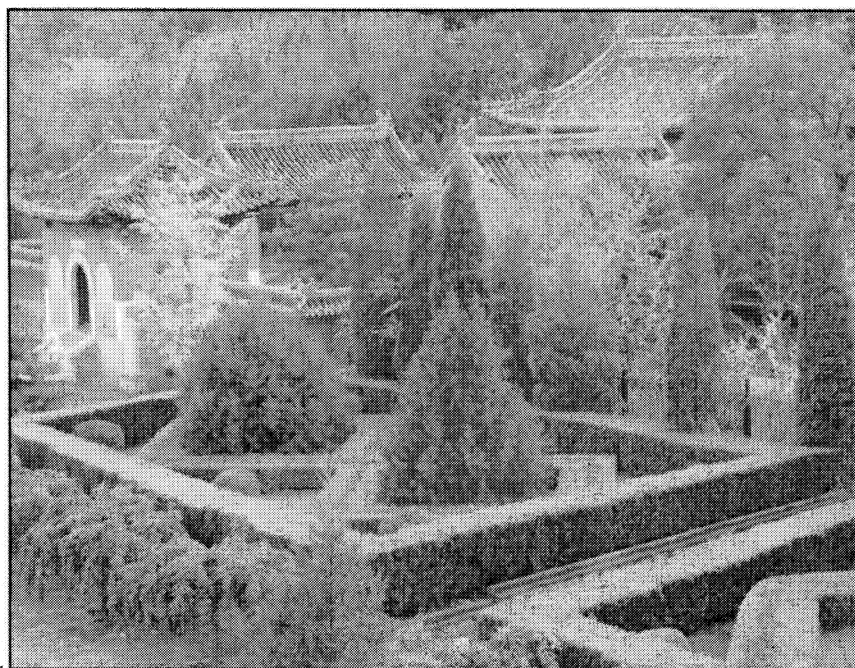


photo credit: Richard Leiter

China offers many beautiful landscapes, including this view captured from the Great Wall of China.

We heard from many people that they were concerned about the lack of U.S. scholarship available in Chinese. This reveals two problems. First, many Chinese are not comfortable with English, but are very interested in learning about U.S. laws. Second, there is a dearth of translators capable of translating from English to Chinese.

China University of Political Science and Law Press (CUPSLP) has undertaken an interesting project with the goal of translating and publishing important American law books into Chinese. This project, titled American Law Library, was developed at the consular level with the U.S. ambassador and a counterpart in China arranging for a board of both Chinese and American law scholars to meet and determine which titles are to be translated. The U.S. consulate handles any necessary copyright permissions, and the press then publishes the titles both in print and electronically. The list of titles reflects a highly progressive interest in American legal scholarship. CUPSLP is also engaged in similar projects translating and distributing cases from Germany, France, and Japan.

## The Return

One of the great blessings of travel is the perspective it gives us about our own homes. After 11 days on the road, it was wonderful to return home, but I found

myself filled with a sense of longing for more. China was new to me and certainly different. But after such a brief time there, it was all too clear that I had only barely scratched the surface of the mystery and culture of modern China.

As a law librarian, I was able to form an instant bond with Chinese law librarians. Despite the distances of culture and geography, the librarians we met faced the same challenges we did: collection development in the digital age, space utilization and optimization, and distribution of services. A quick look at LAW-LIB or the program of any AALL Annual Meeting program is testimony that we in the West don't have all the answers to these challenges, but we are clearly interested in discussing them and searching for solutions. Our Chinese counterparts are no less concerned and can offer us a unique perspective on these issues.

We returned from our trip enriched in many ways. Any librarian with an opportunity to visit China and meet his or her counterparts will undoubtedly feel the same. This spring's China-U.S. Conference on Legal Information and Law Libraries will be the perfect opportunity for many to take a professional visit to China. If you take part, it will be a trip you won't forget. ■

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